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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,023

07/06/2006

Alessandro Sacchet

17029US

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EXAMINER

LONG, DONNELL

ART UNIT

PAPER NUMBER

4128

MAIL DATE

DELIVERY MODE

01/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,023	SACCHET, ALESSANDRO	
	Examiner	Art Unit	
	DONNELL LONG	4128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/06/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellenberg (5474211).

Regarding claim 1, the Hellenberg reference discloses a metering apparatus capable of dispensing a plurality of components for making dyeing compositions (col. 2, lines 11-13), a pumping means (fig. 4) for supplying the dispensing means (col. 2, lines 14-17), a circuit means for a fluidic connection between the dispensing means and the pumping means (col. 4, lines 59-64), where the dispensing means comprises a turntable (14) and valve blocks (50), i.e. support body, defining a plurality of discharge nozzles for delivering the respective components (col. 4, lines 63-64), wherein the pump means and circuit means are carried by the support body of the dispensing means (figs. 3-5).

Regarding claim 2, the nozzles are angularly arranged around a central axis of the support body (figs. 1 and 2) and the pumping means comprises a plurality of pumps housed inside respective valve bodies (50), i.e. seats, of the support body that are also angularly arranged around the central axis (figs. 1 and 2).

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Regarding claim 3, the circuit means comprises a plurality of passageways, i.e. ducts, obtained in the support body and connecting the seats for housing the pumps with the nozzles (col. 4, lines 57-64).

Regarding claim 4, the seats for the pumps and nozzles are arranged in a concentric ring around the central axis (figs. 1 and 2).

Regarding claim 5, the nozzles are housed within the seats (col. 3, lines 59-61), i.e. within the boundaries of the seats, therefore, the seats for the pumps are radially external with respect to the nozzles with reference to the central axis.

Regarding claim 7, the nozzles have a handle (52), i.e. radial extension, with respect to the central axis.

Regarding claim 8, the apparatus comprises a drive motor (26), i.e. drive unit, which rotates the assembly (col. 3, lines 9-16), i.e. simultaneously activates the pumps, and a handle (52) attached to a shutter that is adapted to be selectively moved independently from the other shutters between an opening position, in which it allows delivering the related component from the related nozzle, and a closing position of the nozzle (col. 3, lines 62-64).

Regarding claim 9, each pump comprises a handle (52), i.e. rotor, which is angularly integral with a related gear (32) in that the gear causes the rotors to rotate about an axis (fig. 2). The driving unit comprises a gear ring (36), i.e. toothed crown, carried by the turntable, i.e. support body, in such a way as to be able to rotate around the central axis and having an internal toothing meshing with the gears (fig. 2).

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3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Sindoni (EP1072310).

Regarding claim 1, the Sindoni reference discloses a dye meter comprising a means for dispensing a plurality of components for making dye compositions (col. 1, lines 3-6), pumping means (4) for supplying the dispensing means (5), and circuit means (11) for a fluidic connection between the dispensing means and the pumping means, the dispensing means comprising a support body (10) defining a plurality of discharge channels, i.e. nozzles, for delivering the respective components (pars. 20-21), wherein the pumping means and the circuit means are carried by the support body of the dispensing means (fig. 3).

Regarding claim 2, the nozzles are angularly arranged around a central axis of the support body and wherein the pumping means comprise a plurality of pumps housed inside respective seats of the support body that are also angularly arranged around the central axis (fig. 1).

Claim Rejections - 35 USC § 103

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sindoni (as discussed supra) in view of Marcarian et al. (2002/0128416).

The Sindoni reference DIFFERS in that it does not disclose nozzles arranged with respective axes that are mutually converging and slanted with respect to the central axis of the support body as claimed. Attention, however, is directed to the Marcarian et al. reference, which discloses a fluid dispensing apparatus having nozzles that are arranged with respective axes that are mutually converging and slanted with respect to

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the central axis of the support body (pg. 6, par. 134). It, therefore, would have been obvious to one having ordinary skill in the art at the time the invention was made to slant the nozzles with respect to the axis of the support body, in view of the teaching of Marcarain, in order to achieve better mixing of the fluid components.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNELL LONG whose telephone number is (571)270-5610. The examiner can normally be reached on Monday through Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Khoa D. Huynh/
Supervisory Patent Examiner, Art Unit 4128